vss

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION
CRIMINAL APPLICATION NO.1329 OF 2005
IN
CRIMINAL APPEAL NO.102 OF 2004

The State of Maharashtra ... Appellant
V/s.
Dattatraya Vitthal Jagadale ... Respondent

Dr.F.R. Shaikh, APP, for Appellant
Mr.S.S. Salunkhe for Respondent

CORAM: **D.G. DESHPANDE &**
SMT.NISHITA MHATRE, JJ.
DATED: **APRIL 16, 2007**

P.C.:

. Heard the learned A.P.P. and the advocate for the accused. The present respondent accused is accused No.2. He is acquitted of the offence of murder by the trial Court. Accused No.1 has filed a separate appeal against his conviction. The present appeal is filed by the State challenging the acquittal. According to the case of the prosecution, both these accused assaulted the deceased with Koyta and stick. The trial Court found from the evidence of the medical officer that all the injuries on the person of the deceased were by Koyta. All of them were incised wounds. Koyta was recovered at the instance of the accused No.1. There is no injury of the stick and no other role is attributed to the stick. Therefore, no interference is required. Application for leave rejected.

(D.G. DESHPANDE, J.)

(SMT.NISHITA MHATRE, J.)